

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. RUBEN

Appl. No.: 10/662,429

Filed: September 16, 2003

For: **Apoptosis Inducing Molecule I**

Confirmation No.: 2663

Art Unit: 1644

Examiner: HUYNH, PHUONG N.

Atty. Docket: 1488.1890003/EJH/SAC

**Supplementary Declaration of Steven Ruben  
Ruben Exhibit #147**

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DECLARATION OF STEVEN RUBEN

Paper No. \_\_\_\_\_

Filed on Behalf of Party Ruben:

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**  
(Administrative Patent Judge Sally Gardner Lane)

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**STEVEN M. RUBEN**

Junior Party,  
(Application No. 08/816,981),

v.

**STEVEN R. WILEY  
and RAYMOND G. GOODWIN**

Senior Party,  
(Patent No. 5,763,223).

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Patent Interference No. 105,077

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**SUPPLEMENTAL DECLARATION OF STEVEN M. RUBEN**

Ruben EXHIBIT 2147  
Ruben v. Wiley et al.  
Interference No. 105,077  
RX 2147

**SUPPLEMENTAL DECLARATION OF STEVEN M. RUBEN**

I, STEVEN M. RUBEN, declare and state as follows:

1. I am the same Steven M. Ruben named as the inventor for involved United States patent application 08/816,981. I joined Human Genome Sciences, Inc. (HGS) in 1992 in the position of Scientist, a position I held until 1993. Then, I served as Associate Director of the Molecular Biology Department of HGS from 1993 to 1996, and as Director of the Molecular Biology Department from 1996 to 1998. In 1999, I became Vice President, Research, and eventually became Vice President of Preclinical Discovery, the position that I held when I left HGS in March 2003. I am currently Vice President of Protein Therapeutics at Celera. I have been asked by patent counsel for HGS to supplement my Declaration of June 24, 2004.

RE 102

2. I have reviewed the HGS internal records relating to the preparation of the provisional patent application directed to AIM-I (RE36 and RE38). I conclude from the Docket Sheet for HGS Draft Patent Applications (RE38) for the AIM-I application (identified by docket number 261) that on or around February 14, 1996, the draft provisional patent application directed to AIM-I was forwarded by the HGS patent department to me for my review. I conclude that I reviewed the draft application during the subsequent two weeks, i.e., between February 14, 1996 and February 28, 1996.

3. Numerous experiments have been published demonstrating that recombinantly expressed AIM-I (also called TRAIL) protein induces apoptosis of certain cell types, for example, as described in the following references, each of which I co-authored: Giovarelli et al., 1999, J. Immunol. 163(9):4886-4893 RE57; Phillips et al., 1999, J. Immunol. 162(10):6053-6059 RE 67; and Yu et al., 2000, Cancer Res. 60(9):2384-2389, RE 130. In addition, I am aware that other scientists at HGS used AIM-I to identify its receptor and to demonstrate the

receptor's role in inducing apoptosis and then published these findings (Pan et al., 1997, Science 277(5327):815-818, RE131); and Pan et al., 1997, Science 276(5309):111-113 (RE 132).

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application captioned above or any patent issuing thereupon.

Date: July 16, 2004

Steven M. Ruben  
Steven M. Ruben